

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

15TH LEGISLATIVE DAY

WEDNESDAY, MARCH 21, 2001

1:00 O'CLOCK P.M.

No. 15  
[Mar. 21, 2001]

The Senate met pursuant to adjournment.  
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.  
 Prayer by Senator Adeline J. Geo-Karis, Zion, Illinois.  
 Senator Radogno led the Senate in the Pledge of Allegiance.

Senator W. Jones moved that reading and approval of the Journal of Tuesday, March 20, 2001 be postponed pending arrival of the printed Journal.

The motion prevailed.

#### REPORT RECEIVED

The Secretary placed before the Senate the following report:

A report on the Executive Summary, Fiscal Year 2000, submitted by the Office of the Comptroller.

The foregoing report was ordered received and placed on file in the Secretary's Office.

#### LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 528  
 Senate Amendment No. 1 to Senate Bill 1254

#### EXCUSED FROM ATTENDANCE

Senator Maitland was excused from attendance due to illness.

#### REPORTS FROM STANDING COMMITTEES

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred Senate Bills numbered 726 and 831 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred Senate Bills numbered 405, 629, 653 and 994 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Sieben, Chairperson of the Committee on Agriculture and Conservation to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to Senate Bill 871

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

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Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred Senate Bills numbered 401, 615, 727, 839 and 1049 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred Senate Bills numbered 3, 5, 24, 138, 172, 175, 435, 609, 721, 844, 1048, 1234 and 1320 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 1 to Senate Bill 20

Amendment No. 2 to Senate Bill 64

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

##### HOUSE BILL NO. 39

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 4-214.

##### HOUSE BILL NO. 123

A bill for AN ACT to amend the Illinois Vehicle Code by changing Section 11-1201.1.

##### HOUSE BILL NO. 190

A bill for AN ACT with respect to schools.

##### HOUSE BILL NO. 417

A bill for AN ACT concerning wildlife.

##### HOUSE BILL NO. 453

A bill for AN ACT in relation to criminal law.

##### HOUSE BILL NO. 630

A bill for AN ACT concerning schools.

##### HOUSE BILL NO. 643

A bill for AN ACT concerning missing children.

##### HOUSE BILL NO. 759

A bill for AN ACT in relation to environmental matters.

##### HOUSE BILL NO. 875

A bill for AN ACT concerning education.

##### HOUSE BILL NO. 1031

A bill for AN ACT in relation to public aid.

Passed the House, March 20, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 39, 123, 190, 417, 453, 630,

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643, 759, 875 and 1031 were taken up, ordered printed and placed on first reading.

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 136  
A bill for AN ACT in relation to hate crimes.  
HOUSE BILL NO. 1087  
A bill for AN ACT concerning human services referrals.  
HOUSE BILL NO. 1785  
A bill for AN ACT concerning the use of libraries.  
HOUSE BILL NO. 1903  
A bill for AN ACT concerning banking.  
HOUSE BILL NO. 2255  
A bill for AN ACT concerning schools.  
HOUSE BILL NO. 2380  
A bill for AN ACT concerning bonds.  
HOUSE BILL NO. 2398  
A bill for AN ACT in relation to disabled persons.  
HOUSE BILL NO. 2436  
A bill for AN ACT concerning higher education.  
HOUSE BILL NO. 2528  
A bill for AN ACT to amend the Fish and Aquatic Life Code.  
HOUSE BILL NO. 3016  
A bill for AN ACT in regard to vehicles.

Passed the House, March 20, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 136, 1087, 1785, 1903, 2255, 2380, 2398, 2436, 2528 and 3016 were taken up, ordered printed and placed on first reading.

A message from the House by  
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 296  
A bill for AN ACT concerning taxes.  
HOUSE BILL NO. 1095  
A bill for AN ACT in relation to child support.  
HOUSE BILL NO. 1804  
A bill for AN ACT concerning elections.  
HOUSE BILL NO. 1813  
A bill for AN ACT regarding taxes.  
HOUSE BILL NO. 1911  
A bill for AN ACT concerning children.  
HOUSE BILL NO. 1957  
A bill for AN ACT in relation to townships.  
HOUSE BILL NO. 2157  
A bill for AN ACT in relation to public employee benefits.  
HOUSE BILL NO. 2161

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A bill for AN ACT in relation to vehicles.

HOUSE BILL NO. 3214

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 3305

A bill for AN ACT concerning children and family services.

Passed the House, March 21, 2001.

ANTHONY D. ROSSI, Clerk of the House

The foregoing House Bills numbered 296, 1095, 1804, 1813, 1911, 1957, 2157, 2161, 3214 and 3305 were taken up, ordered printed and placed on first reading.

At the hour of 1:10 o'clock p.m., Senator Donahue presiding.

#### PRESENTATION OF RESOLUTIONS

##### SENATE RESOLUTION NO. 82

Offered by Senator Clayborne and all Senators:

Mourns the death of George Raymond Calhoun of East St. Louis.

##### SENATE RESOLUTION NO. 83

Offered by Senator Clayborne and all Senators:

Mourns the death of Ruth Scrivner of Belleville.

##### SENATE RESOLUTION NO. 84

Offered by Senator Clayborne and all Senators:

Mourns the death of Bernice Pensoneau of Belleville.

##### SENATE RESOLUTION NO. 85

Offered by Senator Myers and all Senators:

Mourns the death of Hazel Dooley Watson of Charleston.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

#### REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education to which was referred Senate Bills numbered 317, 376, 668, 899 and 1293 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred Senate Bills numbered 78 and 329 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Cronin, Chairperson of the Committee on Education to which was referred House Bill No. 258 reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred Senate Bill No. 847 reported the same back with the recommendation that the bill do pass.

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Under the rules, the bill was ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy to which was referred Senate Bills numbered 530 and 852 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Mahar, Chairperson of the Committee on Environment and Energy, to which was referred Senate Resolution No. 38 reported the same back with amendments having been adopted thereto, with the recommendation that the resolution, as amended, be adopted.

Under the rules, Senate Resolution No. 38 was placed on the Secretary's Desk.

Senator Parker, Chairperson of the Committee on Transportation to which was referred Senate Bills numbered 290, 403, 510, 531, 627, 819, 826, 827, 1024 and 1099 reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Parker, Chairperson of the Committee on Transportation to which was referred Senate Bills numbered 74, 273 and 930 reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

Under the rules, the bills were ordered to a second reading.

Senator Parker, Chairperson of the Committee on Transportation to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 2 to Senate Bill 115

Amendment No. 2 to Senate Bill 267

Amendment No. 1 to Senate Bill 800

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

#### READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Parker, Senate Bill No. 20 having been printed, was taken up and read by title a second time.

Senator Parker offered the following amendment and moved its adoption:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 20 as follows:  
on page 4, by replacing lines 30 through 33 with the following:

"(E) the person, in committing a violation of paragraph (a), was involved in a motor vehicle accident that resulted in bodily harm or permanent disability or disfigurement to another while driving at any speed in a school zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605, when the violation was the proximate cause of the injuries."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1,

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was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 60 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, Senate Bill No. 64 having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Judiciary.

Senator Silverstein offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 64 as follows:  
by replacing everything after the enacting clause with the following:  
"Section 5. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.225 as follows:

(210 ILCS 50/3.225)

Sec. 3.225. Trauma Center Fund.

(a) Except as provided in subsection (a-1), the Department shall distribute 97.5% of 50% of the moneys deposited into the Trauma Center Fund, a special fund in the State Treasury, to Illinois hospitals that are designated as trauma centers. The payments to those hospitals shall be in addition to any other payments paid and shall be in an amount calculated under subsection (b) of this Section.

(a-1) Of the moneys deposited into the Fund from fees collected under subsections (b) and (c) of Section 27.6 of the Clerks of Courts Act, 97.5% must be distributed to Illinois hospitals that are designated as trauma centers. The payments to those hospitals shall be in addition to any other payments paid and shall be in an amount calculated under subsection (b) of this Section. The Department may retain 2.5% of the deposited moneys to defray the cost of administering the distributions.

(b) Trauma payment calculation.

(1) The Department shall implement an accounting system to ensure that the moneys in the fund are distributed.

(2) The moneys in the fund shall be allocated proportionately to each EMS region so that the EMS region receives the moneys collected from within its region for violations of laws or ordinances regulating the movement of traffic.

(3) The formula for distribution to individual hospitals shall be based on factors identified in rules adopted by the Department pursuant to this Act. No moneys may be distributed to a trauma center located outside of the State.

(c) Except as provided in subsection (a-1), the Department may retain 2.5% of 50% of the moneys in the Trauma Center Fund to defray the cost of administering the distributions.

(Source: P.A. 89-177, eff. 7-19-95.)

Section 10. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or

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breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3) and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 48 consecutive hours of imprisonment or assigned to a minimum of 100 hours of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory minimum fine of \$500 and a mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to a mandatory minimum fine of \$500 and 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

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(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries; or

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this paragraph (1).

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than one year and not more than 3 years for a violation of subparagraph (A), (B) or (D) of paragraph (1) of this subsection (d) and not less than one year and not more than 12 years for a violation of subparagraph (C) of paragraph (1) of this subsection (d). For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be

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paid for by the individual required to undergo the professional evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 30 days community service or, beginning July 1, 1993, 48 consecutive hours of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State may use ignition interlock device requirements when granting driving relief to individuals who have been arrested for a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined \$100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating this Section or a similar provision of a local ordinance, the fine shall be \$200. In the event that more than one agency is responsible for the arrest, the \$100 or \$200 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97; 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff. 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

Section 15. The Clerks of Courts Act is amended by changing Section 27.6 as follows:

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of \$55 or more, except the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under

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Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Public Aid. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$100 \$25 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 \$25 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an

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additional fee of \$5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act or the Controlled Substance Act shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act or the Illinois Controlled Substance Act shall pay an additional fee of \$5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96; 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

Section 20. The Unified Code of Corrections is amended by changing Sections 5-9-1 and 5-9-1.1 as follows:

(730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

Sec. 5-9-1. Authorized fines.

(a) An offender may be sentenced to pay a fine which shall not exceed for each offense:

(1) for a felony, \$25,000 or the amount specified in the offense, whichever is greater, or where the offender is a corporation, \$50,000 or the amount specified in the offense, whichever is greater;

(2) for a Class A misdemeanor, \$2,500 or the amount specified in the offense, whichever is greater;

(3) for a Class B or Class C misdemeanor, \$1,500;

(4) for a petty offense, \$1,000 or the amount specified in the offense, whichever is less;

(5) for a business offense, the amount specified in the statute defining that offense.

(b) A fine may be imposed in addition to a sentence of conditional discharge, probation, periodic imprisonment, or imprisonment.

(c) There shall be added to every fine imposed in sentencing for

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a criminal or traffic offense, except an offense relating to parking or registration, or offense by a pedestrian, an additional penalty of \$5 for each \$40, or fraction thereof, of fine imposed. The additional penalty of \$5 for each \$40, or fraction thereof, of fine imposed, if not otherwise assessed, shall also be added to every fine imposed upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision in criminal, traffic, local ordinance, county ordinance, and conservation cases (except parking, registration, or pedestrian violations), or upon a sentence of probation without entry of judgment under Section 10 of the Cannabis Control Act or Section 410 of the Controlled Substances Act.

Such additional amounts shall be assessed by the court imposing the fine and shall be collected by the Circuit Clerk in addition to the fine and costs in the case. Each such additional penalty shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer. The State Treasurer shall deposit \$1 for each \$40, or fraction thereof, of fine imposed into the LEADS Maintenance Fund. The remaining surcharge amount shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, unless the fine, costs or additional amounts are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act. Such additional penalty shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c) during the preceding calendar year. Except as otherwise provided by Supreme Court Rules, if a court in imposing a fine against an offender levies a gross amount for fine, costs, fees and penalties, the amount of the additional penalty provided for herein shall be computed on the amount remaining after deducting from the gross amount levied all fees of the Circuit Clerk, the State's Attorney and the Sheriff. After deducting from the gross amount levied the fees and additional penalty provided for herein, less any other additional penalties provided by law, the clerk shall remit the net balance remaining to the entity authorized by law to receive the fine imposed in the case. For purposes of this Section "fees of the Circuit Clerk" shall include, if applicable, the fee provided for under Section 27.3a of the Clerks of Courts Act and the fee, if applicable, payable to the county in which the violation occurred pursuant to Section 5-1101 of the Counties Code.

(c-5) In addition to the fines imposed by subsection (c), any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional \$100 \$25 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 \$25 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-5) during the preceding calendar year.

The Circuit Clerk may accept payment of fines and costs by credit card from an offender who has been convicted of a traffic offense, petty offense or misdemeanor and may charge the service fee permitted where fines and costs are paid by credit card provided for in Section 27.3b of the Clerks of Courts Act.

(c-7) In addition to the fines imposed by subsection (c), any

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person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional \$5 fee to the clerk. This additional fee, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection (c-7) during the preceding calendar year.

(d) In determining the amount and method of payment of a fine, except for those fines established for violations of Chapter 15 of the Illinois Vehicle Code, the court shall consider:

(1) the financial resources and future ability of the offender to pay the fine; and

(2) whether the fine will prevent the offender from making court ordered restitution or reparation to the victim of the offense; and

(3) in a case where the accused is a dissolved corporation and the court has appointed counsel to represent the corporation, the costs incurred either by the county or the State for such representation.

(e) The court may order the fine to be paid forthwith or within a specified period of time or in installments.

(f) All fines, costs and additional amounts imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(Source: P.A. 89-105, eff. 1-1-96; 90-130, eff. 1-1-98; 90-384, eff. 1-1-98; 90-655, eff. 7-30-98.)

(730 ILCS 5/5-9-1.1) (from Ch. 38, par. 1005-9-1.1)

Sec. 5-9-1.1. Drug related offenses.

(a) When a person has been adjudged guilty of a drug related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance as defined in the Cannabis Control Act, as amended, or the Illinois Controlled Substances Act, as amended, in addition to any other penalty imposed, a fine shall be levied by the court at not less than the full street value of the cannabis or controlled substances seized.

"Street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the cannabis or controlled substance seized.

(b) In addition to any penalty imposed under subsection (a) of this Section, a fine of \$100 shall be levied by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of Courts Act for deposit into the Trauma Center Fund for distribution as provided under Section 3.225 of the Emergency Medical Services (EMS) Systems Act.

(c) In addition to any penalty imposed under subsection (a) of this Section, a fee of \$5 shall be assessed by the court, the proceeds of which shall be collected by the Circuit Clerk and remitted to the State Treasurer under Section 27.6 of the Clerks of

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Courts Act for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.  
(Source: P.A. 89-516, eff. 7-18-96.)."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Noland, Senate Bill No. 92 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 92, by deleting everything after the enacting clause and replacing it with the following:

Section 5. The Township Code is amended by changing Section 45-15 as follows:

(60 ILCS 1/45-15)

Sec. 45-15. Township central committee. The township central committee of the township, which is hereby created for the purposes of this Code, shall consist of (i) in all counties of 3,000,000 or less, the elected or appointed precinct committeemen of each established political party within the township or (ii) in counties of 3,000,000 or more, the elected or appointed township committeemen of each established political party. The committee, by a majority of those voting, shall promulgate rules of procedure under Section 45-50.

If the committee promulgates a rule requiring a prior written notice of intent to be a caucus nominee, the rule is not subject to approval or amendment by caucus participants under Section 45-50 or otherwise. Such rule shall be filed with the township clerk not less than 10 days prior to the caucus and shall be available for public inspection. If prior written notice of intent to be a caucus nominee is required, such written notice shall be filed by a candidate not less than 5 days prior to the caucus with the township clerk and shall be available for public inspection.

(Source: P.A. 85-694; 88-62.)

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Luechtefeld, Senate Bill No. 99 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, Senate Bill No. 115 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 115 as follows:

On page 8, by replacing lines 10 through 15 with the following:

"(j) Except at the time of sale or repossession of the vehicle,

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no person licensed as a new vehicle dealer may issue to any other person a newly created key to a vehicle unless that person can prove that he or she is the owner or lessee of that vehicle by presenting any of the following:

- (1) The certificate of title.
- (2) The motor vehicle registration card.
- (3) The purchase documents or finance contract.
- (4) The rental or lease agreement.

The new vehicle dealer must make a copy of the driver's license or State identification card of the person requesting the newly created key and must retain the copy for 6 months.

A new vehicle dealer who violates this subsection (j) is guilty of a petty offense. Violation of this subsection (j) is not cause to suspend, revoke, cancel, or deny renewal of the new vehicle dealer's license."; and

on page 14, by replacing lines 27 through 32 with the following

"(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue to any other person a newly created key to a vehicle unless that person can prove that he or she is the owner or lessee of that vehicle by presenting any of the following:

- (1) The certificate of title.
- (2) The motor vehicle registration card.
- (3) The purchase documents or finance contract.
- (4) The rental or lease agreement.

The used vehicle dealer must make a copy of the driver's license State identification card of the person requesting the newly created key and must retain the copy for 6 months.

A used vehicle dealer who violates this subsection (k) is guilty of a petty offense. Violation of this subsection (k) is not cause to suspend, revoke, cancel, or deny renewal of the new vehicle dealer's license.".

Senator Radogno offered the following amendment and moved its adoption:

#### AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 115, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 1, line 7, after "unless", by inserting the following:

"(i) the new vehicle dealer has contacted the vehicle dealer from whom the vehicle was purchased and has confirmed that the person requesting the newly created key is the person who purchased the vehicle or (ii)"; and

on page 2, line 4, after "unless", by inserting the following:

"(i) the used vehicle dealer has contacted the vehicle dealer from whom the vehicle was purchased and has confirmed that the person requesting the newly created key is the person who purchased the vehicle or (ii)"; and

on page 2, line 16, by replacing "new" with "used".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, Senate Bill No. 165 having been printed, was taken up and read by title a second time.

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The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 165 as follows:  
on page 2, line 12, by inserting "registered pharmacists," after "surgeons,"; and  
on page 2, by inserting after line 20, the following:

"(g) The Department of Public Aid may adopt rules to implement this Section.

(h) This Section is repealed 10 years after the effective date of this amendatory Act of the 92nd General Assembly."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 209 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 267 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 267 as follows:  
on page 2, by replacing lines 17 through 25 with the following:

"(d) The Marine Corps Scholarship Fund is created as a special fund in the State Treasury. All moneys in the Marine Corps Scholarship Fund shall be used by the Marine Corps Scholarship Foundation, Inc., a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code, to provide grants for scholarships for higher education to:

(1) Illinois residents who are the children of current or former members of the United States Marine Corps, and who meet the academic, financial, and other requirements established by the Marine Corps Scholarship Foundation.

(2) Children of current or former members of the United States Marine Corps who meet the academic, financial, and other requirements established by the Marine Corps Scholarship Foundation, and who are pursuing higher education at institutions within the State of Illinois.

The State Treasurer shall require the Marine Corps Scholarship Foundation to establish a separate account for receipt of the proceeds of the Marine Corps Scholarship Fund. That account shall be subject to audit either annually or at another interval, as determined by the State Treasurer. Proceeds from the Marine Corps Scholarship Fund shall be transferred on a quarterly basis by the State Treasurer's office to this separate account."

Senators Philip - Parker offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 267, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 1, line 7, by replacing "shall be used" with "shall, subject to appropriation by the General Assembly and approval by the

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Secretary, be used"; and  
on page 1, by replacing lines 11 through 22 with the following:  
"scholarships for higher education. The scholarship recipients must  
be the children of current or former members of the United States  
Marine Corps who meet the academic, financial, and other requirements  
established by the Marine Corps Scholarship Foundation. In addition,  
the recipients must be Illinois residents and must attend a college  
or university located within the State of Illinois."

Senator Philip moved the adoption of the foregoing amendment.

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2, were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 298 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 316 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 319 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpel, Senate Bill No. 360 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, Senate Bill No. 390 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 390 on page 1, by replacing lines 15 through 20 with the following:  
"subsection. For purposes of this Section, a reasonable inquiry  
includes, but is not limited to, identifying a member of the  
patient's family or other health care agent by examining the  
patient's personal effects or medical records. If a family member or  
other health care agent is identified, an attempt to contact that  
person by telephone must be made within 24 hours after a  
determination by the provider that the patient lacks decisional  
capacity."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Sieben, Senate Bill No. 448 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, Senate Bill No. 518 having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Clayborne, Senate Bill No. 521 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 523 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, Senate Bill No. 528 having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Myers, Senate Bill No. 681 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 681, on page 1, by replacing line 25 with the following:

"activity. Nothing in this Section may be construed to authorize a county board to modify or amend the fees established for the Clerk of the Circuit Court as provided in the Clerks of Courts Act."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 753 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Parker, Senate Bill No. 755 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, Senate Bill No. 800 having been printed, was taken up and read by title a second time.

Senator Klemm offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 800 as follows:  
on page 5, line 18, by replacing "10 8 years" with "18 8 years".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, Senate Bill No. 825 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 873 having been printed, was taken up, read by title a second time and ordered

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to a third reading.

On motion of Senator O'Malley, Senate Bill No. 879 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 879 on page 1 by replacing lines 7 and 8 with the following:

"(a) Except as otherwise permitted or authorized by law, it"; and

on page 1 by replacing line 14 with the following:

"insurer. Nothing in this Act shall be construed to affect any contracts or arrangements between or among insuring entities including health maintenance organizations, health care professionals, or health care facilities which are hereby excluded.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Mahar, Senate Bill No. 882 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Mahar, Senate Bill No. 884 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 884 by replacing the title with the following:

"AN ACT in relation to public aid."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.545 as follows:

(30 ILCS 105/5.545 new)

Sec. 5.545. The Medical Special Purposes Trust Fund.

Section 10. The Illinois Public Aid Code is amended by changing Sections 12-4.18 and 12-4.19 and adding Section 12-10.5 as follows:

(305 ILCS 5/12-4.18) (from Ch. 23, par. 12-4.18)

Sec. 12-4.18. Grants and gifts for public aid and related welfare purposes. Accept, hold and administer in behalf of the State any grant, gift or legacy of money, securities, or property to the Illinois Department or to the State of Illinois for public aid or any related welfare purpose.

From appropriations from the Assistance to the Homeless Fund, a special fund in the State treasury, which is hereby created, provide grants to not-for-profit organizations for the purpose of providing assistance to homeless persons.

Grants, gifts, and legacies for employment and training programs for public assistance clients shall be deposited into the Employment and Training Fund.

Grants, gifts, donations, and legacies for functions connected with the administration of any medical program administered by the Illinois Department shall be deposited into the Medical Special Purposes Trust Fund created under Section 12-10.5.

(Source: P.A. 88-429.)

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(305 ILCS 5/12-4.19) (from Ch. 23, par. 12-4.19)

Sec. 12-4.19. Grants for Pilot Studies and Research.

Co-operate with the Federal Government, private foundations, persons, corporations or other entities making grants of funds or offering the services of technical assistants for pilot studies and other research programs relating to effective methods of rehabilitation or the adequacy of public aid and welfare programs, policies and procedures, and accept, hold and administer grants made in connection therewith. Grants for functions connected with the administration of any medical program administered by the Illinois Department shall be deposited into the Medical Special Purposes Trust Fund created under Section 12-10.5.

(Source: P.A. 77-2110.)

(305 ILCS 5/12-10.5 new)

Sec. 12-10.5. Medical Special Purposes Trust Fund.

(a) The Medical Special Purposes Trust Fund ("the Fund") is created. Any grant, gift, donation, or legacy of money or securities that the Department of Public Aid is authorized to receive under Section 12-4.18 or Section 12-4.19, and that is dedicated for functions connected with the administration of any medical program administered by the Department, shall be deposited into the Fund. All federal moneys received by the Department as reimbursement for disbursements authorized to be made from the Fund shall also be deposited into the Fund.

(b) No moneys received from a service provider or a governmental or private entity that is enrolled with the Department as a provider of medical services shall be deposited into the Fund.

(c) Disbursements may be made from the Fund for the purposes connected with the grants, gifts, donations, or legacies deposited into the Fund, including, but not limited to, medical quality assessment projects, eligibility population studies, medical information systems evaluations, and other administrative functions that assist the Department in fulfilling its health care mission under the Illinois Public Aid Code and the Children's Health Insurance Program Act.

Section 99. Effective date. This Act takes effect on July 1, 2001."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 885 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 885 by replacing the title with the following:

"AN ACT concerning children's health care."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Children's Health Insurance Program Act is amended by changing Section 25 as follows:

(215 ILCS 106/25)

(Section scheduled to be repealed on July 1, 2002)

Sec. 25. Health benefits for children.

(a) The Department shall, subject to appropriation, provide health benefits coverage to eligible children by:

(1) Subsidizing the cost of privately sponsored health

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insurance, including employer based health insurance, to assist families to take advantage of available privately sponsored health insurance for their eligible children; and

(2) Purchasing or providing health care benefits for eligible children. The health benefits provided under this subdivision (a)(2) shall, subject to appropriation and without regard to any applicable cost sharing under Section 30, be identical to the benefits provided for children under the State's approved plan under Title XIX of the Social Security Act. Providers under this subdivision (a)(2) shall be subject to approval by the Department to provide health care under the Illinois Public Aid Code and shall be reimbursed at the same rate as providers under the State's approved plan under Title XIX of the Social Security Act. In addition, providers may retain co-payments when determined appropriate by the Department.

(b) The subsidization provided pursuant to subdivision (a)(1) shall be credited to the family of the eligible child. The Department shall request any necessary waivers of federal requirements in order to allow federal funding for the subsidization provided pursuant to subdivision (a)(1) to be made available to the children whose annual household income is below 133% of the federal poverty level.

(c) The Department is prohibited from denying coverage to a child who is enrolled in a privately sponsored health insurance plan pursuant to subdivision (a)(1) because the plan does not meet federal benchmarking standards or cost sharing and contribution requirements. To be eligible for inclusion in the Program, the plan shall contain comprehensive major medical coverage which shall consist of physician and hospital inpatient services. The Department is prohibited from denying coverage to a child who is enrolled in a privately sponsored health insurance plan pursuant to subdivision (a)(1) because the plan offers benefits in addition to physician and hospital inpatient services.

(d) The total dollar amount of subsidizing coverage per child per month pursuant to subdivision (a)(1) shall be equal to the average dollar payments, less premiums incurred, per child per month pursuant to subdivision (a)(2). The Department shall set this amount prospectively based upon the prior fiscal year's experience adjusted for incurred but not reported claims and estimated increases or decreases in the cost of medical care. Payments obligated before July 1, 1999, will be computed using State Fiscal Year 1996 payments for children eligible for Medical Assistance and income assistance under the Aid to Families with Dependent Children Program, with appropriate adjustments for cost and utilization changes through January 1, 1999. The Department is prohibited from providing a subsidy pursuant to subdivision (a)(1) that is more than the individual's monthly portion of the premium.

(e) An eligible child may obtain immediate coverage under this Program only once during a medical visit. If coverage lapses, re-enrollment shall be completed in advance of the next covered medical visit and the first month's required premium shall be paid in advance of any covered medical visit.

(f) In order to accelerate and facilitate the development of networks to deliver services to children in areas outside counties with populations in excess of 3,000,000, in the event less than 25% of the eligible children in a county or contiguous counties has enrolled with a Health Maintenance Organization pursuant to Section 5-11 of the Illinois Public Aid Code, the Department may develop and implement demonstration projects to create alternative networks designed to enhance enrollment and participation in the program. The Department shall prescribe by rule the criteria, standards, and

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procedures for effecting demonstration projects under this Section.  
(Source: P.A. 90-736, eff. 8-12-98.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Bomke, Senate Bill No. 935 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, Senate Bill No. 936 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 962 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 962 of page 8 by replacing lines 19 through 22 with the following:

"(1) Except for"; and  
on page 8, line 24, by changing "Act" to "Act or eligible persons who qualify for the waiver authorized in paragraph (3) of this subsection"; and  
on page 8 by replacing line 32 with the following:

"(3) Waiver: The preexisting condition exclusions as set forth in paragraph (1) of this subsection shall be waived to the extent to which the eligible person (a) has satisfied similar exclusions under any prior individual health insurance policy that was involuntarily terminated because of the insolvency of the issuer of the policy and (b) has applied for Plan coverage within 63 days following the involuntary termination of that individual health insurance coverage {Blank}".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, Senate Bill No. 1084 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1193 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1203 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, Senate Bill No. 1204 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 1205 having been

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printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 1206 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, Senate Bill No. 1211 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1215 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1250 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, Senate Bill No. 1258 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1259 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1260 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1262 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1263 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 1264 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1265 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Karpiel, Senate Bill No. 1266 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 1267 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 1268 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Klemm, Senate Bill No. 1269 having been

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printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Weaver, Senate Bill No. 1270 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, Senate Bill No. 1493 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Public Health and Welfare, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1493 on page 1, by replacing line 1 with the following:

"AN ACT in relation to senior citizens and disabled persons."; and

on page 1, by replacing line 6 with the following:

"amended by changing Sections 3.07, 4, and 5 and by adding Section 4.1 as follows:

(320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

Sec. 3.07. "Income" means adjusted gross income, properly reportable for federal income tax purposes under the provisions of the Internal Revenue Code, modified by adding thereto the sum of the following amounts to the extent deducted or excluded from gross income in the computation of adjusted gross income:

(A) An amount equal to all amounts paid or accrued as interest or dividends during the taxable year;

(B) An amount equal to the amount of tax imposed by the Illinois Income Tax Act paid for the taxable year;

(C) An amount equal to all amounts received during the taxable year as an annuity under an annuity, endowment or life insurance contract or under any other contract or agreement;

(D) An amount equal to the amount of benefits paid under the Federal Social Security Act during the taxable year;

(E) An amount equal to the amount of benefits paid under the Railroad Retirement Act during the taxable year;

(F) An amount equal to the total amount of cash public assistance payments received from any governmental agency during the taxable year other than benefits received pursuant to this Act;

(G) An amount equal to any net operating loss carryover deduction or capital loss carryover deduction during the taxable year;

(H) For claim years beginning on or after January 1, 2002, an amount equal to any benefits received under the Workers' Compensation Act or the Workers' Occupational Diseases Act during the taxable year.

"Income" does not include any grant assistance received under the Nursing Home Grant Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

This amendatory Act of 1987 shall be effective for purposes of this Section for tax years ending on or after December 31, 1987.

(Source: P.A. 90-491, eff. 1-1-98; 91-676, eff. 12-23-99.)"; and

on page 5, line 22, after "for", by inserting "at least"; and on page 6, immediately below line 1, by inserting the following:

"(320 ILCS 25/4.1 new)

Sec. 4.1. Information to the Department. Notwithstanding any other law to the contrary, entities subject to the Illinois Insurance

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Code, Comprehensive Health Insurance Plan Act, Dental Service Plan Act, Children's Health Insurance Program Act, Health Care Purchasing Group Act, Health Maintenance Organization Act, Limited Health Service Organization Act, Voluntary Health Services Plans Act, and the Workers' Compensation Act, including, but not limited to, insurers, health maintenance organizations, pharmacy benefit managers, third party administrators, fraternal benefit societies, group-funded workers' compensation pools, municipal group-funded pools, self-funded or self-insured welfare or benefit plans or programs, and any other entities that provide health coverage through an employer, union, trade association or other organization or source, or any other entities, must provide information to the Department, or its designee, that is necessary to carry out the purposes of this Act, including, but not limited to, the name, social security number, address, date of birth, and coverage of their policyholders, their subscribers, or the beneficiaries of their plans, benefits, or services who participate in the programs under this Act. The provision of this information to the Department or its designee is subject to the confidentiality provisions in Section 8a of this Act.

(320 ILCS 25/5) (from Ch. 67 1/2, par. 405)

Sec. 5. Procedure.

(a) In general. Claims must be filed after January 1, on forms prescribed by the Department. No claim may be filed more than one year after December 31 of the year for which the claim is filed except that claims for 1976 may be filed until December 31, 1978. The pharmaceutical assistance identification card provided for in subsection (f) of Section 4 shall be valid for a period of not less than ~~to-exceed~~ one year.

(b) Claim is Personal. The right to file a claim under this Act shall be personal to the claimant and shall not survive his death, but such right may be exercised on behalf of a claimant by his legal guardian or attorney-in-fact. If a claimant dies after having filed a timely claim, the amount thereof shall be disbursed to his surviving spouse or, if no spouse survives, to his surviving dependent minor children in equal parts, provided the spouse or child, as the case may be, resided with the claimant at the time he filed his claim. If at the time of disbursement neither the claimant nor his spouse is surviving, and no dependent minor children of the claimant are surviving the amount of the claim shall escheat to the State.

(c) One claim per household. Only one member of a household may file a claim under this Act in any calendar year; where both members of a household are otherwise entitled to claim a grant under this Act, they must agree as to which of them will file a claim for that year.

(d) Content of application form. The form prescribed by the Department for purposes of paragraph (a) shall include a table, appropriately keyed to the parts of the form on which the claimant is required to furnish information, which will enable the claimant to determine readily the approximate amount of grant to which he is entitled by relating levels of household income to property taxes accrued or rent constituting property taxes accrued.

(e) Pharmaceutical Assistance Procedures. The Department shall establish the form and manner for application, and establish by January 1, 1986 a procedure to enable persons to apply for the additional grant or for the pharmaceutical assistance identification card on the same application form. The Department shall determine eligibility for pharmaceutical assistance using the applicant's current income. The Department shall determine a person's current

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income in the manner provided by the Department by rule.  
(Source: P.A. 91-533, eff. 8-13-99; 91-699, eff. 1-1-01.)".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, Senate Bill No. 1504 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, Senate Bill No. 1508 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, Senate Bill No. 1512 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, Senate Bill No. 1520 having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Philip, Senate Bill No. 15 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

#### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 15 by replacing the title with the following:

"AN ACT concerning taxation."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by adding Section 10-355 as follows:

(35 ILCS 200/10-355 new)

Sec. 10-355. Fraternal organization assessment freeze.

(a) For the taxable year 2002 and thereafter, the assessed value of real property owned and used by a fraternal organization that on December 31, 1926 had its national headquarters in Illinois, or its subordinate organization or entity, that is an exempt entity under Section 501(c)(8) of the Internal Revenue Code and whose members provide, directly or indirectly, financial support for charitable works, which may include medical care, drug rehabilitation, or education, shall be established by the chief county assessment officer as follows:

(1) if the property meets the qualifications set forth in this Section on January 1, 2002 and on January 1 of each subsequent assessment year, for assessment year 2002 and each subsequent assessment year, the final assessed value of the property shall be 15% of the final assessed value of the property for the assessment year 2001; or

(2) if the property first meets the qualifications set forth in this Section on January 1 of any assessment year after assessment year 2002 and on January 1 of each subsequent assessment year, for that first assessment year and each subsequent assessment year, the final assessed value shall be 15% of the final assessed value of the property for the assessment year in which the property first meets the qualifications set forth in this Section.

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If, in any year, additions or improvements are made to property subject to assessment under this Section and the additions or improvements would increase the assessed value of the property, then 15% of the final assessed value of the additions or improvements shall be added to the final assessed value of the property for the year in which the additions or improvements are completed and for all subsequent years that the property is eligible for assessment under this Section.

(b) For purposes of this Section, "final assessed value" means the assessed value after final board of review action.

(c) Fraternal organizations whose property is assessed under this Section must annually submit an application to the chief county assessment officer on or before (i) January 31 of the assessment year in counties with a population of 3,000,000 or more and (ii) December 31 of the assessment year in all other counties. The initial application must contain the information required by the Department of Revenue, which shall prepare the form, including:

(1) a copy of the organization's charter from the State of Illinois, if applicable;

(2) the location or legal description of the property on which is located the principal building for the organization, including the PIN number, if available;

(3) a written instrument evidencing that the organization is the record owner or has a legal or equitable interest in the property;

(4) an affidavit that the organization is liable for paying the real property taxes on the property; and

(5) the signature of the organization's chief presiding officer.

Subsequent applications shall include any changes in the initial application and shall affirm the ownership, use, and liability for taxes for the year in which it is submitted. All applications shall be notarized.

(d) This Section does not apply to parcels exempt from property taxes under this Code.

Section 10. The State Mandates Act is amended by adding Section 8.25 as follows:

(30 ILCS 805/8.25 new)

Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective Date. This Act takes effect on January 1, 2002."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

#### CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Rauschenberger moved that Senate Joint Resolution No. 2, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Rauschenberger moved that Senate Joint Resolution No. 2, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays None.

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The following voted in the affirmative:

Bomke  
 Bowles  
 Burzynski  
 Clayborne  
 Cronin  
 Cullerton  
 DeLeo  
 del Valle  
 Demuzio  
 Dillard  
 Donahue  
 Dudyycz  
 Geo-Karis  
 Halvorson  
 Hawkinson  
 Hendon  
 Jacobs  
 Jones, E.  
 Jones, W.  
 Karpiel  
 Klemm  
 Lauzen  
 Lightford  
 Link  
 Luechtefeld  
 Madigan, L.  
 Madigan, R.  
 Mahar  
 Molaro  
 Munoz  
 Myers  
 Noland  
 Obama  
 O'Daniel  
 O'Malley  
 Parker  
 Peterson  
 Petka  
 Radogno  
 Rauschenberger  
 Ronen  
 Roskam  
 Shaw  
 Sieben  
 Silverstein  
 Sullivan  
 Syverson  
 Trotter  
 Viverito  
 Walsh, L.  
 Walsh, T.  
 Watson  
 Weaver  
 Welch  
 Woolard  
 Mr. President

The motion prevailed.

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And the resolution was adopted.  
 Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

#### READING BILL OF THE SENATE A SECOND TIME

On motion of Senator del Valle, Senate Bill No. 1019 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

##### AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1019 on page 1, line 9 by changing "may" to "shall may"; and on page 1, line 10 by inserting "total" after "the"; and on page 1, line 13 by changing "mail the" to "provide written".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

#### PRESENTATION OF RESOLUTION

Senator L. Madigan offered the following Senate Resolution, which was referred to the Committee on Rules:

##### SENATE RESOLUTION NO. 86

WHEREAS, Public Act 91-525 amended the Structural Pest Control Act for the purpose of reducing economic, health, and environmental risks of pesticide use in schools by promoting the use of integrated pest management for structural pest control; and

WHEREAS, The Act recognizes that pests can best be controlled through an integrated pest management program that combines preventive techniques, non-chemical pest control methods, and the appropriate use of pesticides with preference for products that are the least harmful to human health and the environment; and

WHEREAS, The Act recognizes that integrated pest management is a good practice in the management of pest populations and that it is prudent to employ pest control strategies that are the least hazardous to human health and the environment; and

WHEREAS, The Act provides for an exemption from adopting integrated pest management if a school district determines that it is not economically feasible; and

WHEREAS, Seven school districts with almost 20% of the State's total number of school children have sought exemptions under this provision; and

WHEREAS, A recent survey by the Safer Pest Control Project found that a majority of the 102 school districts included in the survey were not properly practicing integrated pest management; and

WHEREAS, Illinois school children continue to be exposed to pesticides in school; and

WHEREAS, Scientists, public health officials, children's advocates, and parents are increasingly alarmed at the rising rate of childhood illness that can be linked to chemical exposure; therefore be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois Senate affirms its commitment to protecting Illinois school children from pesticides by

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promoting the practice of integrated pest management; and be it further

RESOLVED, That the Education Committee of the Illinois Senate shall hold hearings to study the effectiveness of Public Act 91-525 and, if necessary, develop recommendations for improving the law's effectiveness; the Senate Committee shall report its findings to the Illinois Senate by December 31, 2001; and be it further

RESOLVED, That the Senate shall call upon the Illinois Department of Public Health and the State Board of Education to assist school districts in implementing safer pest control practices and urges all school districts to adopt integrated pest management; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Illinois Department of Public Health and the State Board of Education.

#### READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 136, sponsored by Senator Silverstein was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 148, sponsored by Senator Myers was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 200, sponsored by Senator Weaver was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 453, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 847, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 901, sponsored by Senator Weaver was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 935, sponsored by Senator Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1048, sponsored by Senator del Valle was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1087, sponsored by Senator Weaver was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1089, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1720, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1804, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1903, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

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House Bill No. 1907, sponsored by Senator Syverson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2161, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2380, sponsored by Senator O'Malley was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3016, sponsored by Senator T. Walsh was taken up, read by title a first time and referred to the Committee on Rules.

#### LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 602  
Senate Amendment No. 1 to Senate Bill 664  
Senate Amendment No. 1 to Senate Bill 912

At the hour of 2:01 o'clock p.m., on motion of Senator Weaver, the Senate stood adjourned until Thursday, March 22, 2001 at 11:30 o'clock a.m.

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